THE CORDIALL OF JVDGE *JENKINS*,

For the good People of LONDON;
In Reply to a thing, called,

AN

Answer to the Poysonous Seditious Paper of Mr *David Jenkins*; By *H.P.* Barrester of *Lincolns-Inne*.

Printed in the Yeare, 1647.

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The Cordial of *Judge Jenkings* for the good People of *London*, &c.

AFter the ſaid Mr *H.P.* hath made a recitall of the Heads of my *Vindication*, hee deduceth his Anſwer unto theſe eight Particulars, which follow *verbatum*.

1.

It cannot be denyed, but the Parliament *ſits by the Kings Writ, nay if Statute Law be greater then the* Kings *Writ, it cannot be denyed but the* Parliament *ſits or ought to ſit by ſomething greater then the* Kings *Writ; And, if it be confeſſed that the* Parliament *ſits by the* Kings *Writ, but does not Act by the* Kings *Writ, then it muſt follow that the* Parliament *is a void vaine Court, and ſits to no purpoſe; nay it muſt alſo follow, that the* Parliament *is of leſſe authority, and of leſſe uſe then any other inferiour Court; foraſmuch as it is not in the* Kings *power to controule other Courts, or to prevent them from ſitting or Acting.*

2.

This is a groſſe non ſequitur, *the* Kings *power is in himſelf;* Ergo, *it is not derived to, nor does reſide virtually in the* Parliament. *For the light of the Sun remaines imbodied, and unexhauſted in the Globe of the Sun, at the ſame time as it is diffuſed and diſplayed through all the body of the ayre; and who ſees not that the King without emptying himſelfe, gives commiſſions daily of Oyer and Terminer to others, which yet he himſelfe can neither fruſtrate nor elude? but for my part I conceive it is a great errour to inferre that the* Parliament *has onely the* Kings *power, becauſe it has the Kings power in it: for it ſeemes to me, that the*

Parliament *does both sit and act by concurrent power, devolved both from the King and Kingdom; And this in some things is more obvious and apparent then in others. For by what power does the* Parliament *grant Subsidies to the King? if only by the power which the King gives, then the King may take Subsidies without any grant from the Parliament: and if it be so by a power which the people give to the Parliament; Then it will follow the Parliament has a power given both by King and Kingdome.*

3.

The sending Propositions to the King, and desiring his concurrence, is scarce worth an Answer; for Subjects may humbly petition for that which is their strict right and property. Nay, it may sometimes beseeme a superiour to preferre suite to an inferiour for matters in themselves due. God himselfe has not utterly disdained to beseech his own miserable impious unworthy creatures: besides, tis not our Tenet, that the King has no power, because he has not all power, nor that the King cannot at all promote our happinesse, because hee has no just claime to procure our ruine.

4.

We affirm not, that the Kings power is separated from his Person, so as the two Spencers *affirmed, neither doe we frame conclusions out of that separation, as the two* Spencers *did, either that the King may be removed for misdemeanours, or reformed* per aspertè; *or that the Subject is bound to govern in ayde of him; we only say, that his power is distinguishable from his person, and when he himself makes a distinction betwixt them, commanding* one thing *by his Legall Writs, Courts, and Officers, and commanding* another thing *extrajudically by word of mouth, Letters, or Ministers, we are to obey his power rather then his person.*

5.

We take not from the King all power of pardoning Delinquents, we only say it is not proper to him quarto modo: *For if the King pardon him which hath murthered my sonne, his pardon shall not cut me off from my appeale; and tis more unreasonable, that the Kings pardon should make a whole State, which hath suffered, remediless, then any private man. So if the King should deny indemnity to those which in the furie of Warre have done things unjustifiable by the Lawes of Peace, and thereby keep the wounds of the State from being bound up, 'tis equitable that an Act of Indemnity*

demnity should be made forcible another way. And if this will not hold, yet this is no good consequence, the King is absolute in point of pardons, therefore he is absolute in all things else; and the Parliament hath no power to discharge Delinquencies, therefore it hath no power in other matters.

6.

The Parliament hath declared the King to be in no condition to govern: but this must not be interpreted rigidly, and without distinction; for if the King with his sword drawn in his hand, and pursuing the Parliament and their adherents as Rebels, be not fit for all Acts of Government, yet 'tis not hereby insinuated that he is divested of the habit or right of governing: If he be unqualified now, he is not unqualified for the future; if he may not doe things destructive to the Parliament, he is not barred from returning to the Parliament, or doing justice to the Parliament. This is a frivolous cavil, and subturfuge,

7.

We sweare, that the King is our supreme Governour over all persons, and in all Causes; but we doe not sweare that he is above all Law, nor above the safety of his people, which is the end of the Law, and indeed Paramount *to the Law it selfe. If he be above all Law, or liable to no restraint of our Law, then we are no freer then the* French *or the* Turks; *and if he be above the prime end of Law,* common safety, *then we are not so free as the* French *or* Turks: *For if the totall subversion of the* French *or the* Turk *were attempted, they might by Gods Law, imprinted in the Book of Nature, justifie a self-defence; but we must remediless perish, when the King pleases to command our throats. Besides, how atchieved the King of* England *such a Supremacie above all Law and the community it selfe, for whose behoofe Law was made? If Gods donation be pleaded, which is not speciall to him, or different from what other Kings may pretend too, then to what purpose serve our Laws, nay, to what purpose serve the Laws of other Countries? for by this generall donation, all Nations are condemned to all servitude as well as we. If the Law of this Land be appealed to, what Books hath Mr* Ienkins *read, where hath he found out that* Lex Regia, *whereby the people of* England *have given away from themselves all right in themselves? Some of our Books tell us, that we are more free then the* French; *that the King cannot oppresse us in our*

our persons, or estates, by imprisonment, denying justice, or laying Taxes without our consents: other Books tell us, that the safety of the people is the supreme Law, and that the King hath both God and the Law for his Superiour: But all this is nothing to learned Mr Ienkins.

8.

We admit, that no Acts of Parliament are compleat, or formally binding, without the Kings assent: yet this is still to be denyed, that therefore without this assent particularly expresst, the two Houses can doe nothing, nor have any virtuall power at all, no, not to examine Mr Ienkins, *nor to doe any other thing of like nature, though in order to publick justice and safety. I have done, and wish Mr* Ienkins *would call in and lick up againe his black infamous execrable reproaches, so filthily vomited out against the Parliament.*

To the first.

I Was examined by a Committee appointed by the House of Commons: I say and said that the House of Commons have no power to examine me, for that it is no Court; every Court hath power to examine upon Oath; this power the House of Commons never claimed; The Court of *Pie-powders*, *Court-Baron*, *Hundred Court*, *County Court*, and every other Court of Record, or not of Record, hath power to examine upon oath; and an examination without Oath is a communication only; examination in Law is upon Oath.

There is no Court without a power of tryall; the House of Commons have no power to try any offence, nor ever practised it by Bill, Inditement, Information, Plaint or Originall, to deduce it to tryal, nor to try it by Verdict, Demurrer or Examination of Witnesses upon Oath, without which there can be no condemnation or judgement; and that which can attaine to no reasonable end, the Law rejects as a thing *inutile* and useless; *Sapiens incipit a fine.*

The Writ Whereby they are called gives them power *Ad faciendum & consentiendum*; to what? to such things *Qua ibidem de communi Consilio ordinari contigerint*, (*viz.*,) in the Parliament: This makes nothing at all for a Court for the House of Commons

Commons; that *consilium* which that Writ intends, is cleared partly by the Writ for chusing Knights, &c. For the King by that Writ is said to resolve to consult and treat with the Prelates and Peeres of the Kingdome, for and touching the great concernments of the Common-wealth (for the King never sits in the House of Commons;) and this also is made evident by the Writs to the Prelates, Peeres, Iudges, and to his Councell at Law; the words in their Writ are, *To appear and attend the Parliament, consilium impensuri*, the one doth *consulere*, the other *facere & consentire*.

The House of Lords, where the King sits in person, assisted by his Lords, Judges, Serjeants, Atturney, Sollicitor, Masters of the Chancery, is a Court of Record to many purposes, set down in the Books of Law and the Statutes of the Land, and that Court is only in the House of Lords, where the Kings sits. 7. H.6. 1 H.7. 13. E.3. 4 pars, i pag. 21.

A Court must either be by the Kings Patent, Statute Law, or by the Common Law, which is common and constant usage; the House of Commons hath no Patent to be a Court, nor Statute Law to be a Court, nor common usage; they have no Iournall Book but since *E.6.* time: was there ever Fine by the House of Commons estreated into the Exchequer? For murder or Felony they can imprison no man, much lesse for Treason; that House which cannot doe the lesse, cannot doe the greater. Plowd. 319.

It is ordained, that no man shall be imprisoned or put out of his Franchise by the King or his Councell, but upon Indictment or presentment of his good and lawfull Neighbours, where the deed is done, or by originall Writ at the Common Law, and so is *Lex terræ* the Law of the land mentioned in *Magna Charta*, cap. 29. expounded, and the said *Magna Charta*, and *Charta de Foresta*, are declared by the Stat. of 25. *E.* 1. c. 1. to be the Common Law of the Land. All Iudges and Commissioners are to proceed, *Secundum legem & consuetudinem Regni Angliæ*, as appeares by all proceedings in all Courts, and by all Commissions: and therefore the House of Commons by themselves, proceeding not by Indictment, Presentment, or Originall Writ, have no power to imprison men, or put them out of their Franchise. 25. E.3.c 3. Car. Pe tion of Ri

This no way trenches upon the Parliament; for it is in Law no Parliament without King and both Houses; I have only in my Paper delivered to Mr *Corbet*, applyed my selfe to that Commit- 4 pars, In pag. 1. 3 Pars, Inf

tee, that they had no power to examine me, but I never thought, said, or wrote, that the Parliament had no power to examine me: the Law and custome of this Land is, that a Parliament hath power over my life, liberty, lands and goods, and over every other subject, but the House of Commons of it selfe hath no such power.

For the Lord *Cooks* relation, that the House of Commons have imposed Fines, and imprisoned men in Queen *Elizabeth* time, and since; Few facts of late time never questioned, make no legall power nor Court; *à facto ad jus* is no good argument; for the words of the Statute of 6. *H.*8.c.16. that a licence to depart from the House of Commons for any Member thereof is to be entred of Record in the Book of the Clark of the Parliament, appointed, or to be appointed for that House, doth not conclude that the House of Commons is a Court of Record.

For first, that Law of 6. *H.*8.c.26. handles no such question, as that, whether the House of Commons be a Court; it is a maxime in all Lawes, *Lex aliud tranctans nil probat*, the word *(Record)* there mentioned, is only a memoriall of what was done and entred in a Book: A Plaint removed out of the County-Court to the Court of the Common-Pleas, hath these words in the Writ of remove, *Recordari facias loquelam, &c.* and yet the County-Court is no Court of Record; and so for ancient Demesne, in a Writ of false judgement, the words are *Recordari facias loquelam, &c.* and yet the Court of ancient Demesne is no Court of Record; and so of a Court Baron, the Law and custome of *England* must be preserved, or *England* will be destroyed, and have neither Law nor custome.

Let any man shew me, that the Court of Lords or the House of Commons in any age hath made any man a Delinquent *(Rege dissentiente)* the King contradicting it under his Great Seale. Sir *Giles Mompesson*, *Michell*, and others of late were condemned by the prosecution of the House of Commons in King *James* his time; did King *James* ever contradict it? And so of ancient times, where the House of Peeres condemned the Lord *Latimer* in 50.*E.*3. the Kings pardon freed him: which shewes cleerly, that the Kings expresse or implyed assent must of necessity be had to make a Delinquent.

The Gentleman saith, *That the Parliament sits, or ought*

to

to sit by something greater then the Kings Writ, &c.

No Parliament did ever sit without the Kings Writ, nor could ever Parliament begin without the Kings presence in person, or by a Guardian of *England* by patent under the Kings Great Seale, the King being *in remotis*, or by Commission under the Great Seale to certaine Lords representing the Kings person, and it hath been thus in all Ages unto this Session of Parliament, wherein his Majesty hath been pressed, and hath passed two Acts of Parliament, one for a Triennall Parliament, and another for a perpetuall, if the Houses please, to satisfie their desires; how these two Acts agree one with another, and with the Statute in *E.* the thirds time, where Parliaments are ordained to be holden every yeare, and what mischiefes to the people of this Land such length of Parliaments will produce by protections and priviledges to free them and their meniall servants from all debts during their lives, if they please to continue it so long, and how destructive to mens actions against them, by reason of the Statute of Limitations, which confines their actions to certain years, and many other inconveniences of greater importance, is easie to understand.

4 Pars, In pag. 4. & 6.

4 E. 3. c. 1 36. E. 3. c. 10 21. Iac. the of Limitat of Actions, cap. 26.

How can any man affirm, that the two Houses doe act now by the Kings Writ, which relates to Counsell and Treaty with the King, concerning the King, the defence of his Kingdome, and of the Church of *England*, these are the three points which it tends to, as appeares by the Writ. They keep their King prisoner at *Holmby*, and will not suffer him to consult and treat with them. They have made a Vow and Covenant to assist the Forces raised and continued by both Houses against the Forces raised by the King without their consent, and to the same effect have devised the Oath which they call the *Negative Oath*: Is this to to defend the Kings Kingdome or their Kingdome?

4 Pars, Insti p. 14.

Vow and C venant, p. 1

When by their Solemn League and Covenant they extirpate Bishops, Deanes and Chapters root and branch, is this to defend the Church of *England*? (that Church must necessarily be meant, that was the Church of *England* when the said Writ bore test) they were not summoned to defend a Church that was not in being; to destroy and defend the Church are very contrary things; the Church is not defended, when they take away and sell the Lands of the Church.

3 Pars, Co Deane an Chapter o Norwich.

The Gentleman saith, *The King cannot controle other Courts of Justice, or prevent them from sitting or acting, and therefore not the two Houses, &c.* It is true, the King cannot controle or prevent his other Courts, for that they are his ordinary Courts of common Iustice, to administer common right unto all men, according to the fixed Lawes. The Houses make no Court without the King, they are no body corporate without the King, nor Parliament without the King, they all make one corporate body, one Court called the Parliament, whereof the King is the head, and the Court is in the Lords House, where the King is present: and as a man is no man without a head, so the Houses severed from the King, as now they are, have no power at all, and they themselves by levying war against the King, and imprisoning of him, have made the Statute for not dissolving, adjourning, or proroging this Parliament of no effect, by the said Acts of their own; they sit to no purpose without his assent to their Bills, they will not suffer him to consult with them, and treat, and reason with them, whereby he may discern what Bills are fit to passe, and what not, which in all Ages the Kings of this Land have enjoyed as their undoubted Rights, and therefore they sit to no purpose by their own disobedience and fault.

H. 8. 3.
8. Dier.
ars, Instit.

For the ordinary Courts at *Westminster*, the Iudges in all those Courts are Iudges by the Kings Patent or Writ, otherwise they are no Iudges: the Houses can make no Iudges, they are no Iudges at all who are made by them; the whole & sole power of making Iudges, belongs to the King: the King cannot controule or prevent his own Iudges from sitting or acting, but the Houses hee may, for they are not the Kings Iudges, but the Iudges of the two Houses. In his other Courts, the King commits his power to his Iudges by his Patent, and they are sworn to doe common right to all men, and the King is sworn not to let them from so doing: the King cannot judge in those Courts, nor controule; but the King is both Iudge and Controller in the Court of Parliament: *Quoad* Acts, for his assent or dissent doth give life or death to all Bills. Many Lawyers have much to answer to God, this Kingdome, and to posterity, for puzling the poore of this Land with such Fancies, as the Gentleman who wrote the Answer to my Paper, and others have published in these Troubles, which hath been none of the least causes of the raysing and continuing of them:

H. 8. c. 24.
H. 8. 11.
R. 3. 11.

them: And so I have with the first part of his Answer.

AD. 2.

For the *Non sequitur*, in the second Section of the Gent. Answer, the Antecedent and the Consequent are his own.

Quem recitas meus est (ô Fidentine!) libellus:
Sed malè dum recitas incipit esse tuus.

My words are, that the King is not virtually in the two Houses at *Westminster*, to enable them to grant pardons, for that whole and sole power by the Law belongs to the King. My Paper hath no such thing, as that the Kings power cannot be derived to others, or the vertue of his power: For his power, and the vertue of his power, is in all Patents to his Iudges, in Charters to Corporations, in Commissions of all sorts, and in the Parliament assembled by force of his Writ of Summons, so long as they obey him; but when they renounce that power, and claime it not from the King, and declare to the kingdome that he is not in condition to govern, and imprison him, and usurp to themselves all Royall Authority, as the two Houses now doe, no reasonable man can affirm that they act by the power of their prisoner, who hath no power to give them, that by force of Armes take all the power to themselves. 27 H. 8. c

The Gent. saith, the *King grants Commissions daily of* Oyer *and* Terminer, *which he cannot frustrate nor elude.* The King may revoke and discharge the Commission by his Writ, as he may remove all Iudges, and place other men in their roome; and any Kings death determines all the Iudges Patents of *Westminster* Hall, Commissions of *Oyer* and *Terminer*, &c. and so he might dissolve both Houses in all times, by his Writ under the Great Seale, untill that by this Parliament, by his own concession, the King of his goodnesse hath secluded himself; which goodnesse hath been full ill requited. 4 E. 4. 39 5 E. 4. 4. 1 Eliz. Dy 165. 1 Mar. Br case, 147.

The Gent. affirms, *That the power the Parliament hath, is concurrent from the King and Kingdome*; which, he conceives, is proved by the Grant of Subsidies to the King by the Parliament. The mistaking of this word (*Parliament*) hath been mischievous in these times to this Land, and it is affectedly mistaken, which makes the sinne the greater, for the two Houses are not the Parliament, as before is declared; and at this time so to inculcate it, when all men know, that of the 120 Peeres of the 4 Pars, Ins pag 1.

Kingdome, who were Temporal Peeres before the Troubles; there are not now above 30 in the Lords House, and in the House of Commons about 200 of the principall Gent. of the Kingdome left the House, and adhered to his Majesty, who is imprisoned by them, shewes no such candor as is to be desired.

E. 1. con-
tio char-
n, cap. 6.
. cap. 1.
llagio
conce-
9.

It is true, that no Tallage can be layd upon the people of this Land, but by their consent in Parliament, as appeareth by the Lawes mentioned in the Margent; but you shall finde in Mr *Seldens* learned Book, called *Mare Clausum*, a number of Presidents in *Henry* the Thirds time for Ship-money, justly condemned this Parliament, to the which his Majesty assented; and in truth, that Ship-money was condemned before, by the said two Statutes of 25. *E.* 1. & 34. *E.* 1. *de Tallagio non concedendo. Danegelt, Englitery*, and many grievous burthens were laid upon the people, and born, untill that memorable Princes time. But I am of opinion, that the Common Law of the Land did alwayes restraine Kings form all Subsidies and Tallages, but by consent in Parliament; which doth appear by *Magna Charta* the last chapter, where the Prelates, Lords, and Communalty gave the King the fifteenth part of their moveables. In truth it is no manner of consequence, because the King cannot take what he pleaseth of the subjects goods, that therefore they have a concurrent power in Parliament: there have been many Parliaments, and no Subsidies granted; Parliaments may be without Subsidies, but Subsidies cannot be without Parliaments: of ancient time Parliaments rarely granted any, unlesse it were in the time of forraine Warres; and in my time, Qu. *Elizabeth* refused a Subsidy granted in Parliament, and in the Parliament of 1 *Jac.* none were granted. The Gent. should make a conscience of blinding the people with such untrue colours, to the ruine of King and people.

AD. 3.

The Gent. affirms, *That the sending Propositions to the King, and desiring his concurrence, is scarce worth an answer, for Subjects may humbly petition for that which is their strict right and property, &c.* The Propositions sent to *Newcastle*, are in print; wherein the two Houses are so farre from humbly petitioning, that they stile not themselves his Majesties Subjects, as appeares by the Propositions.

That they have a strict right or property to any one of these

Propo-

Propoſitions, is a ſtrange aſſertion, every one of them being againſt the Lawes now in force: Have the two Houſes a ſtrict right and property, to lay upon the people what Taxes they ſhall judge meet? To pardon all Treaſons, &c. that is one of their Propoſitions. Have they a ſtrict right and proporty to pardon themſelves? and ſo for all the reſt of their Propoſitions.

Theſe Propoſitions have been Voted by both Houſes, the Kings aſſent (they being drawn into Bills) makes them Acts of Parliament: Hath the King no right to aſſent or diſ-aſſent? Was the ſending but a Complement? All our Law-Books and Statutes ſpeak otherwiſe. This Gent. and others, muſt give an account one time or other for ſuch deluſions put upon the people.

12 H. 7. 2
1 Iac. cap
1 Car. ca

AD. 4.

The Gent. ſaith, *They affirm not, that the Kings power is ſeparated from his perſon, ſo as the two* Spencers *affirmed, &c.* His Majeſties perſon is now at *Holnby* under their Guards; have they not ſevered his power from him, when by no power they have left him, he can have two of his Chaplaines, who have not taken their Covenant, to attend him for the exerciſe of his Conſcience?

For the three Concluſions of the *Spencers*, doe not the two Houſes act every of them? They ſay, his Majeſty hath broken his Truſt, touching the Government of his people: They have raiſed Armies to take him, they have taken him, and impriſoned him; they govern themſelves; they make Lawes, impoſe Taxes, make Iudges, Sheriffes, and take upon them *omnia inſigna ſummæ poteſtatis*: Is not this to remove the King for miſdemeanours, to reform *per aſperte*, to govern in aide of him; the three Concluſions of the *Spencers*? Doe they think the good people of *England* are become ſtupid, and will not at length ſee theſe things?

15. Ed. 2. E
ilium Hug
1 E. 3. c.
Calvins ca
7 Pars, Re
ports, 11.

The Gentleman ſaith, *They doe not ſeparate his power from his Perſon, but diſtinguiſh it, &c.* His power is in his legall Writs, Courts, and Officers: when they counterfeit the Great Seale, and ſeale Writs with the ſame, make Iudges themſelves, Courts and Officers, by their own Ordinances againſt his conſent, declared under his true Great Seale of *England* (not by word of mouth, letters, or miniſters only) their Seale is obeyed, their own Writs, their own Iudges, their own Courts, their own Officers, and not

Plowd. 4. E
213. the K
power and
Perſon are
diviſible.

the Kings: The time will come when such strange actions and discourses will be lamented.

AD. 5.

The Gentleman goes on, *We take not from the King all power of pardoning Delinquents, we only say it is not proper to him* quarto modo, *&c.* What doe you meane by *quarto modo?* I am sure, *Omnis Rex Angliæ, solus Rex & semper Rex* can doe it, and none else; read the Books of the Law to this purpose collected by that reverend and learned Iudge *Stanford*, from all Antiquity to his time, who dyed in the last year of King *Philip* and Queen *Maries* Reign, you shall finde this a truth undeniable; and this power was never questioned in any Age in any Book by any untill this time, that every thing is put to the question: You Gentlemen who professe the Law, and maintaine the party against the King, return at length, and bring not so much scandall upon the Law, (which preserves all) by publishing such incredible things.

for. Pleas
8.c 24.
, 163.

We hold only what the Law holds, the Kings Prerogative and the Subjects Liberty are determined, and bounded, and admeasured by the written Law what they are; we doe not hold the King to have any more power, neither doth His Majesty claime any other but what the Law gives him; the two Houses by the Law of this Land have no colour, of power, either to make Delinquents, or pardon Delinquents, the King contradicting: (and the Army under Sir *Thomas Fairfax* (howbeit but Souldiers) doe now understand that to be Law, and doe now evidently see and assuredly know, that it is not an Ordinance of the two Houses, but an act of Parliament, made by the King, Lords and Commons that will secure them, and let this Army remember their executed fellow Souldiers,) And the Law was alwayes so taken by all men untill these troubles, that have begot Monsters of opinions.

rs, Inst. t.
341.
vd. 3. Eliz.
237.

AD. 6.

This Gentleman sayes, *The Parliament hath declared the King to be in no condition to govern, &c.*

There is no end of your distinctions, I and you professe the Law; shew me Law for your distinctions, or letter, syllable, or line, in any Age in the Books of the Law, that the King may in one time be in no conditiou to govern, and yet have the habit

bit of governing, and another time he may (*viz.*) when the two Houſes will ſuffer him: The Law ſaith thus, *Ubi lex non diſtinguit, non eſt diſtinguendum.*

He ſayes, *The King is not barred from returning to His Parliament*, (as he calls the two Houſes) he knowes the contrary, the whole City knowes the contrary, *Nos juris conſulti ſumus ſacerdotes*, (as *Juſtitian* the Emperour hath it, in the firſt Book of his *Inſtitutions*) and therefore knowledge and truth ſhould come from our lips: Worthy and ingenious men will remember, and reflect upon that paſſage of that good and wiſe man *Seneca*, *Non qua itur, ſed qua eundum*; follow not the rayes of the Lawyers of the Houſe of Commons: God forgive them, I am ſure the King will, if they be wiſe and ſeek it in time.

AD. 7.

The Gent. ſayes, *We ſweare that the King is our ſupreme Governour over all perſons and in all cauſes, &c.* Why hath he left out the word (*only*)? for the oath the Members now take, is, that King *Charles* is now the only and ſupreme Governour in all cauſes, over all perſons, and yet they keep their only Supreme Governour now in priſon, and act now in Parliament by vertue of their Priſoners Writ, and by a concurrent power in this Parliament, and by their own ſtrict right and property, (as the Gent. affirms in his Anſwer) Theſe things agree well with their Oath, that the King is the only Supreme Governour in all cauſes, over all perſons; this Oath is taken now in the Parliament time, by all the Members of the Houſe of Commons, and is required by the Law to be taken in all Parliaments, otherwiſe they have no power, nor colour to meddle with the publike Affaires.

5 Eliz. cap. Cawdreys 5 pars, fol.

This Oath al'owed by Common L of the Land

This Oath being taken in Parliament, that *the King is the only and Supreme Governour in all Cauſes*, then it followes in Parliament cauſes; *over all perſons*, then over the two Houſes; let them keep this Oath, and we ſhall be ſure of peace in the Land: and good Lawyers ought to deſire peace, both for the publike good and their private, and not diſhonour that Noble profeſſion, as many doe in this miſerable time.

The Gent. ſayes, *We doe not ſweare that the King is above all Law, nor above the ſafety of his people*; neither doe we ſo ſweare, but His Majeſty and we will ſweare to the contrary, and have

ſworn,

ſworn, and have made good, and will by Gods grace make good our Oath to the world, that the King is not above the Law, nor above the ſafety of his people; the Law and the ſafety of his people are his ſafety, his Honour and his Strength.

AD. 8.

The Gent. concludes, *That Acts of Parliament are not formally binding, nor compleat without the Kings aſſent, yet the Houſes have a virtuall power without the Kings particular aſſent, to doe things in order to publike Juſtice and Safety*, (*viz.*) In ſetting up the Exciſe, in raiſing and maintaining of Armies, in taxing the peopeople at pleaſure with Fifth and Twentieth part, Fifty Subſidies, Sequeſtrations, Loanes, Compoſitions, impriſoning the King, aboliſhing the Common-prayer-Book, ſelling the Churches Lands &c. all theſe are in order to the publike Juſtice and Safety.

Mr *H.P.* you are of my profeſſion, I beſeech you, for the good of your Countrey, for the Honour of our Science perſwade your ſelfe and others, as much as in you lies, to believe and follow the monition and Councell of that memorable, reverend, and profoundly learned in the Lawes and Cuſtomes of the Land, the Lord *Coke*, who writes as becomes a great and a learned Judge of the Law (a perſon much magnified by the two Houſes) in theſe words? *Peruſe over all Books, Records and Hiſtories, and you ſhall finde a Principle in Law, a Rule in Reaſon, and a Tryall in Experience, that Treaſon doth ever produce fatall and finall deſtruction to the offender, and never attaines to the deſired end (two incidents inſeparable thereunto) and therefore let all men abandon it, as the poyſonous bait of the Devill, and follow the Precept in holy Scripture, SERVE GOD, HONOUR THE KING, AND HAVE NO COMPANY WITH THE SEDITIOUS.*

ars, Inſtit. 6.

CONCLUSION.

I Say againe, that without an Act of Oblivion, a gracious generall Pardon from His Majeſty, the Arreares of the Souldiers paid, a favorable regard had to tender Conſciences, there will be neither Truth nor Peace in this Land, nor any man ſecure of any thing he hath:

By me *David Jenkins* Priſoner in the Tower.

The End.

that to fining, imprisonment, &c. And this doth not only content them, but they even send forth their armed men, and beset, invade, assault their houses and persons in a warlike manner, and take what plunder they please, before so much as any of their pretended, illegall warrants be shewed, as was lately upon the eleventh of August 1646. perpetrated against mee and mine, which was more then the King himselfe by his legall Prerogative ever could doe, for neither by verball commands or commissions under the Great Seale of *England*, he could ever give any lawfull authority to any Generall, Captaine, or person whatsoever without legall triall and conviction, forceibly to assault, rob, spoile or imprison any of the free Commoners of *England*: and in case any free Commoner by such his illegall Commissions, Orders or warrants before they be lawfully convicted, should be assaulted, spoiled, plundered, imprisoned, &c. in such cases his agents and ministers ought to be proceeded against, resisted, apprehended, indicted and condemned (notwithstanding such commissions) as Trespassers, Theeves, Burglarers, Felons, Murderers both by Statute and common Law, as is enacted and resolvd by *Magna Charta, cap.* 29. 15. *Eliz.* 3 *stat.* 1. *cap.* 1, 2, 3. 42 *Eliz.* 5. *cap.* 13. 28. *Eliz.* 1. *Artic. sup. chartas, cap.* 2. 4. *Eliz.* 3. *cap* 4 5. *Eliz.* 3 *cap.* 2. 24. *Eliz.* 3. *cap.* 1. 2. *Rich.* 2. *cap.* 7. 5. *Rich.* 2. *cap.* 5. 1. *Hen.* 5. *cap.* 6. 11. *Hen.* 2. *cap.* 1. to 6. 24. *Hen.* 8. *cap.* 5. 21. *Jacob. cap* 3.

And if the King himselfe have not this Arbitrary power, much lesse may his Peeres or Companions, the Lords over the free Commons of *England*. And therefore notwithstanding such illegall censures and warrants either of King or of Lords (no legall conviction being made) the persons invaded and assaulted by such open force of Armes may lawfully arme themselves, fortifie their Houses (which are their Castles in the judgement of the Law) against them, yea, disarme, beat, wound, represse and kill them in their just necessary defence of their own persons, houses, goods, wives and families, and not be guilty of the least offence, as is expressly resolved by the Statute of 21. *Edw. de malefactoribus in parcis*, by 24. *Hen.* 8. *cap.* 5. 11. *Hen.* 6. 16. 14. *Hen.* 6. 24. 35. *Hen.* 6. 12. *E.* 4. 6.

And therefore (Sir) as even by nature and by the Law of the Land I was bound, I denyed subjection to these Lords and their arbitrary creatures; thus by open force invading and assaulting my house, person, &c. no legall conviction preceding, or warrant then shown; but

and if they had brought and shewen a thousand such warrants, they had all been illegall, antimagisteriall & void in this case, for they have no legal power in that kind, no more then the King. but such their actions are utterly condemned, and expressly forbidden by the Law: Why therefore should you of the Representative Body sit still, and suffer these Lords thus to devour both us and our Lawes?

Be awakned, arise and consider their oppressions and encroachments, and stop their Lord-ships in their ambitious carere, for they do not cease only here, but they soar higher & higher, & now they are become arrogators to themselves, of the natural Soveraignity the Represented have conveyed and issued to their proper Representors, even challenge to themselves the tittle of the *Supreamest Court of Judecature in the Land*, as was claimed by the Lord *Hounsden*, when I was before them, which you may see more at large in a printed letter published under my name, intitled, *A Defiance &c.* which challenge of his (I think I may be bold to assert) was a most illegall, Anti-parliamentary, audacious presumpsion, and might better be pleaded and challenged by the King singly, then by all those Lords in a distinction from the Commons: but it is more then may be granted to the King himselfe, for the Parliament & whole Kingdom whom it represents, is truly and properly the highest Supream power of all others, yea above the King himselfe:

And therefore much more above the Lords, for they can question, Cancell, disanull and utterly revoake the Kings own Royall Charters, Writs, Commissions, Pattents, &c. Though ratified with the Great Seale, even against his personal wil, as is evident by their late abrogation of sundry, Patents, Cō missions, writs, Charters, Lone, Shipmony &c. yea the body Representative have power to enlarge or retract the very prerogative of the King, as the Statute *de prærog. Reg.* and the Parliament Roll of 1. *Hen.* 4. num. 18. doth evidence, and therefore their power is larger and higher then the Kings, and if above the Kings, much more above the Lords, who are subordinate to the King, and if the Kings Writs, Charters &c. which intrench upon the weale of the People, may be abrogated, null'd and made voide by the Parliament, the Representative body of the Land, and his very prerogatives bounded, restrained & limited by them, much more may the Orders, Warrants, Commitments &c. of the Lords, with their usurped prerogatives over the commons and People of *England* be restrained

ſtrained, nul'd and made void by them, and therefore theſe Lo. muſt needs be inferiour to them.

Further the Legiſlative power is not in the King himſelfe, but only in the Kingdome and body Repreſentative, who hath power to make or to abrogate Lawes, Statutes &c. even without the Kings conſent, for by law he hath not a negative voyce either in making or reverſing, but by his own Coronation Oath, he is ſworne, *to grant fulfill and defend all rightfull Lawes, which the COMMONS of the Realme ſhall chuſe, and to ſtrengthen and maintain them after his power*; by wch clauſe of the oath, is evident, that the Cõmons, not the King or Lords) have power to chuſe what Lawes themſelves ſhall judge meeteſt, and thereto of neceſſity the King muſt aſſent, and this is evident by moſt of our former Kings and Parliaments, and eſpecially by the Raignes *Edw.* 1. 2. 3. 4. *Rich* 2 *Hen.* 4 5. & 6. So that it cannot be denied, but that the King is ſubordinate and inferiour to the whole Kingdome and body Repreſentative: Therefore if the King, much more muſt the Lords vaile their Bonets to the Commons, and may not be eſteemed the upper Houſe, *or Supreame Court of Judicature of the Land.*

So that ſeeing the Soveraigne power is not originally in the King, or perſonally terminated in him, then the King at moſt can be but chief Officer, or ſupream executioner of the Lawes, under whom all other legall executioners, their ſeverall executions, functions and offices are ſubordinate; for indeed the Repreſenters (in whom that power is inherent, and from whence it takes its originall) can only make conveyance thereof to their Repreſentors, vicegerents or Deputies, and cannot poſſibly further extend it, for ſo they ſhould go beyond themſelves, wich is impoſſible, for *ultra poſſe non eſt eſſe*, there is no being beyond the power of being: That which goes beyond the ſubſtance and ſhaddow of a thing, cannot poſſibly be the thing it ſelfe, either ſubſtantially or vertually, for that which is beyond the Repreſentors, is not repreſentative, and ſo not the Kingdomes or peoples, either ſo much as in ſhaddow or ſubſtance,

Therefore the Soveraigne power (extending no further then from the Repreſented to the Repreſentors) all this kind of Soveraynity challenged by any (whither of King Lords or others) is uſurpation, illegitimate and illegall, and none of the Kingdomes or Peoples, neither are the People thereto obliged: Thus (Sir) ſeing the Sove-

raigne or legislative power is only from the Represented, to the Representors, and cannot possibly legally further extend: the power of the King cannot be *Legislative*, but only *executive*, and he can communicate no more then he hath himselfe; and the Soveraigne power not being inherent in him, it cannot be conveyed by, or derived from him to any, for could he, he wou'd have carried it away with him, when he left the Parliament: So that his *meere prerogative creatures*, cannot have that which their *Lord and creator* never had, hath, or can have; namely, the *Legislative power*: For it is a standing rule in nature, *omne simile generat simile*, every like begetteth its like; and indeed they are as like him, *as if they were spit out of his mouth*.

For their proper station will not content them, but they must make incursions & inroads upon the Peoples rights and freedomes, and extend their prerogative pattent beyond their Masters compasse; Indeed all other Courts might as well challenge that prerogative of Soveraignity, yea better then this Court of Lords. But and if any Court or Courts in this Kingdome, should arrogate to themselves that dignity, to be the supreame Court of Judicatory of the Land, it would be judged no les then high Treason, to wit, for an inferiour subordinate power to advance and exalt it selfe above the power of the Parliament.

And (Sir) the oppressions, usurpations, and miseries, from this prerogative Head, are not the sole cause of our grievance and complaint, but in especiall, the most unnaturall, tyranicall, blood-thirsty desires and continuall endevours of the Clergy, against the contrary minded in matters of conscience, wch have been so vailed, guilded and covered over, with such various, faire and specious pretences, that by the common discernings, such woolfeish cannibal, inhumaine intents against their neighbours, kindred, friends and countrymen, as is now clearely discovered, was little suspected (and lesse deserved) at their hands; but now I suppose they will scarce hereafter be so hard of beliefe, for now in plain termes, and with open face the Clergy here discover themselves in their kind, and shew plainly that inwardly they are no other but *ravening wolves*, even *as roaring Lyons wanting their pray, going up and down, seeking Whom they may devour*.

For (Sir) it seems these cruell minded men to their brethren, have by the powerfull agitation of M. *Taet* and M. *Bacon*, two members of the House, procured a most *Romish inquisition Ordinance*, to obtain an admission

admission into the House, there to be twice read, and to be referred to a Committee, which is of such a nature, if it should be but confirmed, enacted, and established, as would draw all the innocent blood of the Saints, from righteous *Abel*, unto this present upon this Nation, and fill the land with more Martyrdomes tyranies, cruelties and oppressions, then ever was in the bloody dayes of Queen *Mary*, yea or ever before, or since: For I may boldly say that the people of this Nation never heard of such a diabollicall, murthering, devouring Ordinance, Order, Edict or Law in their Land as is that;

So that it may be truly said unto England, *wo to the inhabitants thereof, for the Divell is come down unto you, (in the shape of the letter B.) having great wrath, because he knoweth he hath but a short time*, for never before was the like hear'd of in *England*; the cruel villanous, barbarous Martyrdomes, murthers and butcherys of Gods People, under the papall and Episcopall Clergy, were not perpetated or acted by any Law, so divelish cruell and inhumain as this, therefoee what may the free People of *England* expect at the hands of their Presbyterian Clergy, who thus discover themselves more firee and cruell then their fellowes? Nothing but hanging, burning, branding, imprisoning, &c. is like to be the reward of the most faithfull friends to the Kingdome and Parliament, if the Clergy may be the disposers, notwithstanding their constant magnanimity, fidelity and good service both in the field and at home, for them and the State:

But sure this Ordinance was never intended to pay the Souldiers; their arears if it be; the Independents are like to have the bast share, let them take that for their comfort: but I believe there was more *Tyth providence*, then *State thrift*, in the matter, for if the Independents, Anabaptists, and Brownists, were but sincerely addicted to the *DVE PAYMENT of TYTHES*, it would be better to them in this case then *two subsidy men*, to acquit them of *Fellony*.

For were it not for the losse of their *Trade*, and spoyling their *custome*, an Anabaptist Brownist, Independent and Presbyter, were all one to them, then might they without doubt have the *Mercy of the Clergy*, then would they not have been entered into their *Spanish Inquisition Calender for absolute Fellons*, or need they have feared the popish soule murthering Antichristian *Oath of Abjuration*, or *branding in the left cheeke with the letter B.* the new Presbyterian *Mark of*

Beast, for you see the *Devill* is now againe entered amongst us in a new shape, not like an Angell of light, (as both he and his servants can transforme themselves when they p'ease) but even in the shape of the letter B; from the power of which Presbyterian *Belzebub* good Lord deliver us all, and let al the People say Amen; Then needed they not to have feared their Prisons, their fire and faggot, their gallowes and halters, &c. The strongest *Texts* in all the Presbyterian *new moddle* of *Clergy divinity*, for the maintenance & reverence of their cloth, and confutation of errours; for he that doth but so much as question that priest farming-Ordinance for Tythes, Oblations, Obventions, &c. doth flatly deny the *fundamintals of Presbytrie*, for it was the first stone they laid in their building, and the second stone, the prohibition of all to teach Gods word but themselves, and so are *ipso facto* all *Fellons*, *&c.*

By this (Sir) you may see what bloody minded men those of the black Presbytrie be, what little love, patience, meeknes, longsuffering and forbearance they have to their Brethren; neither doe they as they would be done to; or doe to others as is done to them; for they would not be so served themselves, of the Independents, neither have the Independents ever sought or desired any such thing upon them, but would beare with them in all brotherly love; if they would be but contented to live peaceably and neighbourly by them, and not thus to brand, hang, judge and condemne all for *Fellons*, that are not like themselves. Sure (Sir) you cannot take this murthering, bloody disposition of theirs for the Spirit of Christianity, for Christian *charety suffers long, is kind, envieth not, exalteth not it selfe, seeketh not its own, is not easily provoked, thinketh no evill, beareth all things, beleeveth all things, hopeth all things, endureth all things*; but these their desires and endevours are directly contrary.

Therefore (Sir) if you should suffer this bloody inroad of Martyrdome, cruelties and tyranies, upon the free Commoners of *England*, with whose weale you are betrusted, if you should be so inhumaine, undutifull, yea and unnaturall unto us, our innocent blood will be upon you, and all the blood of the righteous that shall be shed by this Ordinance, and you will be branded to future generations, for Englands *bloody Parliament*.

If you will not think upon us, think upon your posterities, for I cannot suppose that any one of you would have your children hang'd

in

in case they should prove Independents, Anabaptists, Brownists; I cannot judge you so unnaturall and inhumain to your own children, therefore (Sir) if for our own sakes we shall not be protected, save us for your childrens sakes, (though you think your selves secure,) for ye may be assured their and our interest is interwowne in one, if wee perish, they must not think to scape. And (Sir) consider, that the cruelties, tyranies and Martyrdomes of the papall and episcopall Clergy, was one of the greatest instigations to this most unnaturall warre; and think you, if you settle a worse foundation of cruelty, that future generations will not tast of the dreags of that bitter cup?

Therefore now step in or never, and discharge your duties to God and to us, and tell us no longer, that such motions are not yet *seasonable, and wee must still waite*; for have we not waited on your *pleasures, many faire seasons and precious occasions and opportunities these six yeares*, even *till the Halters are ready to be tyed to the Gallowes*, and now must wee hold our peace, and waite till wee be all imprisoned, hang'd, burnt and confounded? Blame us not (Sir) if we complain against you, speak, write and plead thus with might and maine, for our lives, lawes and liberties, for they are our earthly *summum bonum*, wherewith you are chiefly betrusted; & whereof we desire a faithful discharge at your hands in especiall, therefore be not you the men that shall betray the blood of us and our posterities, into the hands of those bloody black executioners: for God is just, and wil avenge our blood at your hands; and let Heaven and earth bear witnesse against you, that for this end, that we might be preserved and restored, wee have discharged our duties to you, both of love, fidelity and assistance, and in what else yee could demand or devise in all your severall needs, necessities and extremities, not thinking our lives, estates, not any thing too precious to sacrifice for you and the Kingdomes safety, and shall wee now be thus unfaithfully, undutifully and ungratefully rewarded? For shame, let never such things be spoken, far lesse recorded to future generations.

Thus Sir, I have so farre enboldened my selfe with you (hoping you will let greivances be uttered, that if God see it good they may be redressed, and give loosers leave to speake without offence) as I am forced to at this time, not only in the discharge of my duty to my selfe in particular, but to your selves and to our whole Country in generall for the present, and for our severall posterities for the future, and the

Lord

Lord give you grace to take this timely advice, from so meane and unworthy an instrument.

One thing more (Sir) I shall be bold to craveat your hands, that you would be pleased to present my Appeale here inclosed, to your Honourable House; perchance the manner of it may beget a disaffection in you, or at least a suspition, of disfavour from the House: but howsoever, I beseech you, that you would make presentation thereof, and if any hazard and danger ensue, let it fall upon mee, for I have cast up mine accounts, I know the most that it can cost me, is but the dissolution of this fading mortality, which once must be dissolved; but after (blessed be God) commeth righteous judgement.

Thus (Sir) hoping my earnest and fervent desires after the universall freedomes and properties of this Nation in generall, and especially of the most godly and faithfull, in their consciences, persons and estates, will be a sufficient excuse with you, for this my tedious presumption upon your patience: I shal commit the premisses to your deliberate thoughts, and the issue thereof unto God; expecting and praying for his blessing upon all your faithfull and honest endevours in the prosecution thereof. And rest;

From the most contemptible Gaole of New-gate (*the Lords benediction*)
Septem. 25. 1646.

In Bonds for the just rights and freedoms of the Commons of *England*, theirs and your faithfull friend and servant,

Richard Overton.

To

To the high and mighty States, the Knights Citizens and Burgesses in Parliament Assembled, (*Englands legall Soveraigne power*) The humble Appeale and supplication of RICHARD OVERTON, Prisoner in the most contemptible Goale of New-gate.

Humbly sheweth;

THAT *whereas your Petitioner under the pretence of a Criminall fact, being in a Warlike manner brought before the House of Lords to be tried, and by them put to answer to Interogatories concerning himselfe, both which your Petitioner humbly conceiveth to be illegall, and contrary to the naturall rights, freedoms and properties of the free Commoners of* England(*confirmed to them by* Magna Charta, *the Petition or Right, and the Act for the abolishment of the* Star-chamber) *he therefore was emboldened to refuse subjection to the said House, both in the one and the other; expressing his resolution before them,* that he would not infringe the private Rights and properties of himselfe, or of any one Commoner in particular, or the common Rights and properties of this Nation in generall: *For which your Petitioner was by them adjudged contemptuous, & by an Order from the said House was therefore committed to the Goale of* Newgate, *where, from the* 11. *of* August 1646. *to this present he hath lyen, and there commanded to be kept till their* Pleasures shall be further signified (*as a copy of the said Order hereunto annexed doth declare*) *which may be perpetuall if they please, and may have their wils; for your Petitioner humbly conceiveth that thereby he is made a Prisoner to their Wils, not to the Law, except their Wils may be a Law.*

Wherefore, your leige Petitioner doth make his humble appeale unto this most Soveraigne House(as to the highest Court of Judicatory in the Land, wherein all the appeales thereof are to centure, & beyond which none can legally be made) humbly craving (both in testimony of his acknowledgment of its legall regality, & of his due submission thereunto) that your Honours therein assembled, would take his cause (and in his, the cause of all the free Commoners of England, *whom you represent, & for whom you sit) into your serious consideration and legall determination, that he may either by the mercy of the*

Law be repoſſeſſed of his juſt liberty and freedome, and thereby the whole Commons of England *of theirs, thus unjuſtly (as he humbly conceiveth) uſurped & invaded by the Houſe of LORDS, with due repairations of all ſuch damages ſo ſuſtained, or elſe that he may undergoe what penalty ſhall in equity by the impartiall ſeverity of the Law be adjudged againſt him by this Honourable Houſe, in caſe by them he ſhall be legally found a tranſgreſſour herein.*

And Your Petitioner (as in duty bound) ſhall ever pray, &c.

Die Martis 11. *Auguſti.* 1646.

It is this day Ordered by the Lords in Parliament aſſembled, that *Overton* brought before a Committee of this Houſe, for printing ſcandalous things againſt this Houſe, is hereby committed to the Priſon of New-gate, for his high contempt offered to this Houſe, and to the ſaid Committee by his contemptuous words and geſture, and refuſing to anſwer unto the Speaker: And that the ſaid *Overton* ſhall be kept in ſafe cuſtody by the Keeper of New-gate or his deputy, *untill the Pleaſure of the Houſe be further ſignified.*

To the Gentleman Uſher attending this Houſe, or his Deputy, to be delivered to the Keeper of New-gate or his Deputy.

John Brown Cleric. Parl. Examinat. per Ra. Briſco Clericu. de New-gate.

Poſtſcript.

Postscript.

SIR,

YOur unseasonable absence from the House, chiefly while Mistres *Lilburns* Petition should have been read (you having a REPORT to make in her husbands behalfe, whereby the hearing thereof was defer'd and retarded) did possesse my mind with strong jealousies and feares of you, that you either preferred your own pleasure or private interest before the execution of justice and judgement, or else withdrew your selfe, on set purpose (through the strong instigation of the Lords) to evade the discharge of your trust to God and to your Coüntry; but at your returne understanding, that you honestly & faithfully did redeem your absent time, I was dispossessed of those feares and jealousies: So that for my over-hasty censorious esteem of you, I humbly crave your excuse, hoping you will rather impute it to the fervency of my faithfull zeale to the common good, then to any malignant disposition or disaffection in me towards you: Yet (Sir) in this my suspition I was not single, for it was even become a generall surmise.

Wherefore (Sir) for the awarding your innocency for the future, from the tincture of such unjust and calumnious suspitions, be you diligent and faithfull, instant in season and out of season, omit no opportunity, (though with never so much hazard to your person, estate or family) to discharge the great trust (in you reposed with the rest of your fellow members) for the redemption of your *native Country* from the *Arbitrary Domination and usurpations, either of the House of LORDS, or any other.*

And since by the *divine providence of God*, it hath pleased that Honourable Assembly whereof you are a Member, to select and sever you out from amongst themselves, to be of *that Committee* which they haue *Ordained to receive the Commoners complaints against the House of LORDS*, granted upon the foresaid most *honourable Petition*: Be you therefore impartiall, and just, active and resolute, care neither for favours nor smiles, and be no respector of persons, let not the *greatest Peers* in the Land, be more respected with you, then so many *old Bellowes-menders, Broom men, Coblers, Tinkers or Chimney-sweepers,*

who are all equally *Free borne*, with the *hudgeſt men*, and *loftieſt Anachims* in the Land.

Doe nothing for favour of the one, or feare of the other; and have a care of the *temporary Sagacity* of the *new Sect of OPPORTUNITY POLITITIANS*, whereof we have got at leaſt two or three too many; for delayes & demurres of Juſtice are of more deceitfull & dangerous conſequence, then the flat & open deniall of its execution, for the one keeps in ſuſpence, makes negligent & remiſſe, the other provokes to ſpeedy defence, makes active and reſolute: Therefore be wiſe, quick, ſtout and impartiall: neither ſpare, favour, or connive at friend or foe, high or low, rich or poore, Lord or Commoner.

And let even the ſaying of the Lord, with which I will cloſe this preſent diſcourſe, cloſe with your heart, and be with you to the death. *Leviticus*, 19. 15.

Yee ſhall doe no unrighteouſneſſe in judgement; thou ſhalt not reſpect the perſon of the poore, nor honour the perſon of the mighty, but in righteouſneſſe ſhalt thou judge thy neighbour.

October 12. 1646.

FINIS.